

## **Fortifying the Essence of Democracy and Inclusive Representation in the 1973 Constitution of Pakistan: Envisioning a New Agenda for the Future**

**Hina Habib** 

*MS International Relations (Research Scholar), COMSATS University, Islamabad, Pakistan*

**Correspondence:** [naazish177@gmail.com](mailto:naazish177@gmail.com)

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### **ABSTRACT**

*The constitution of Pakistan is the most significant and crucial pillar of Pakistan's governance, which upholds democracy, facilitates public representation, and encourages the participation of minorities and other segments in the political structure of a state. Although various amendments and positive developments have been made, it has still been criticized regarding its lack of flexibility, owing to the subjugation of the rights of ethnic minorities and repeated coups. Politicians have exploited it for short-term goals that undermine national cohesion and harmony among diverse actors. This paper explores the themes of democracy and public representation by considering Pakistan's Constitution. In addition, it emphasizes the participation of marginalized segments and minorities in the political process. It also comments on the current political structure's effectiveness and identifies areas for improvement, as the nation has successfully ended 50 years under this apex law. The research uses exploratory research using qualitative method to conduct the study. Across the board, this research envisions a future scenario for Pakistan marked by inclusivity and better public representation. It does so by shaping a strategy for a more prosperous Pakistan in the coming decades.*

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### **Introduction**

The 1973 Constitution of Pakistan serves as the supreme law, embodying the status of a legal document and constituting a social contract that aims to fortify the foundation of democracy and inclusive representation. The democratic structure is a strength of Pakistan's constitution as it vested supreme power in the people's hands and is exercised by them directly or indirectly through the representation system. However, the Constitution of Pakistan confronted diverse challenges owing to its probable implementation and emerging developments, which adversely affected Pakistan's stability and progressive development. The essence of democracy and inclusive representation in Pakistan's constitution is crucial to

Pakistan's futuristic stability. In this regard, "the Constitution is the heart of the state. If the heart is in trouble, the whole body will be in trouble."

Pakistan has played a significant role in nurturing a democratic political setup and inclusive representation by aligning with the principles enshrined in the 1973 constitution of Pakistan. Meanwhile, the Constitution of Pakistan undertook 26 amendments to boost the efficiency of the Constitutional framework in resolving various problems, including military intervention, political instability, provincial conflicts, and sectarian crises. Despite these amendments, Pakistan faced several political and legal challenges in implementing a democratic structure. Inclusive representation of the rights of minorities and other segments, lack of an effective political structure, lack of education among the masses, military intervention, dynastic politics, the intervention of foreign governments, Judicial activism, and Provincial representation are major challenges hampering Pakistan's efforts to fostering democratic representation and inclusive representation (Khalid, 2023). Owing to these diverse challenges, the constitution of Pakistan has faced several criticisms regarding its ineffectiveness in ensuring democratic rule, inclusive representation, and supporting minorities in securing inclusive rights<sup>Error! Bookmark not defined.</sup>. Given these emerging challenges, there is a dire need to undertake a study that sheds light on the futuristic vision for the upcoming years and ensures the futuristic effectiveness of Pakistan's Constitution, emphasizing better governance and inclusive policies. Therefore, this study aims to explore an innovative and forward-looking agenda for Pakistan that refers to fortifying the essence of democracy in the constitution. The main problem in this study is that Pakistan's Constitution played a comprehensive role in fortifying the essence of democracy and inclusive representation. However, despite various amendments, the ongoing developments created hurdles in welcoming democracy in Pakistan, resulting in intense criticism regarding the efficiency of the constitutional framework. This study attempts to probe into the effectiveness of Pakistan's constitutional framework by exploring a new agenda for futuristic stability. The main aim of this study is to scrutinize the efficiency of Pakistan's constitution in strengthening democracy and inclusive representation. Based on the findings, this study explores a new futuristic agenda for Pakistan's democracy. It does so by using exploratory research based on a qualitative method using books, reports, and journal articles to gather information.

Firstly, this paper probes into the historical context to explore the effectiveness of Pakistan's political structure in fortifying the essence of democracy and inclusive representation, it proposes alternative schemes for an effective political setup and then recommends a suitable strategy that can fortify the essence of democracy and inclusive representation in the Constitution of Pakistan.

### **The Constitution of Pakistan and its role in fortifying the Essence of Democracy and inclusive representation in Pakistan**

Democracy and public representation are linchpin themes aligned with the Constitution of Pakistan. These central and interlinked themes are at the heart of a well-functioning democratic system, striding towards a process where the voices of all individuals are considered, and interests are represented. In this context, public representation is the inclusive representation of diverse groups in the political framework. However, democracy is a form of the political system under which

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Pakistan runs its governance system. As there is a well-known “Abraham Lincoln” quote, “Democracy is the government of the people, by the people, for the people.”

Since its appearance on a global map, Pakistan has faced various democratic impediments including economic and social problems. These arduous obstacles hindered Pakistan’s successful journey towards a fruitful democratic structure. Firstly, the formulation of a constitution in democratic Pakistan has been subject to intense delay due to the expedited death of Quaid, resulting in the absence of an influential leader who could lay a strong pillar for constitutional development (Khalid, 2023). Secondly, from a historical perspective, the “Rawalpindi conspiracy case” as an attempted coup d’état was the first major assault to shake the democratic structure of Pakistan. In this case, several civil and military officials, including Major General Akbar Khan, renowned poet Faiz Ahmed Faiz, and Sayyid Zaheer were mired in instigating the conspiracy against the elected government. Eventually, the incident left lasting implications on the legacy of Pakistan’s democratic and political structure. The period from 1951 to 1958 refers to an "administrative disaster" and "political immaturity of Pakistan's political aspirants" as Pakistan indigenously changed one military commander and seven prime ministers during this framework (Dryland, 1992). This period induced the creation of interim governments and political turmoil.

Thirdly, various elite classes have dispersed Pakistan’s democratic structure to pursue their interests, resulting in military interference in Pakistan’s political structure, which is known as “reactive militarism”. Three decades of military rule (1958, 1969, 1977) have deteriorated the state’s democratic structure even worse than before. Although the military intervention in Pakistan brought innovative reforms, particularly aimed at revitalizing sustainable military rule, but did not consider the socio-political evolution and establishment of civilian institutions in Pakistan (Mahmood, 2022). Besides this, through the 21<sup>st</sup> Amendment, the military has undermined the democratic structure of Pakistan by constituting abusive constitutionalism as a parameter to employ interference in the political affairs of the state (Amin et al., 2020). Therefore, the military interference in Pakistan’s political setup left lasting implications for the development of democracy in the Constitution.

The adoption of Pakistan’s constitution of Pakistan laid a crucial foundation in promoting democracy in Pakistan. It plays a key role in promoting fundamental rights and freedom for all but lacking the aspect of assisting a diverse population with the necessities of life which diverted people's interest in progress (Razi et al., 2021). It outlines the structure of government and the separation of power, establishes a parliamentary system, introduces an electoral mechanism, and incorporates provincial autonomy and an independent judiciary. However, Pakistan’s constitutional development has faced intense criticism because its effectiveness is hampered due to inadequate implementation, institutionalization, and political instability (Khan et al., 2021). The effectiveness of the constitution relies on the continuous implementation of democratic initiatives that are at the heart of a democratic state.

The disruption of the democratic structure often resulted in the impetus of financial and strategic alliances with other states, which is particularly relevant in the case of Pakistan. For instance, the accumulation of intensive support during Zia rule and the

rule of Syed Yousuf Raza Gillani and Shahbaz Sharif through the statement “higher than mountains and sweeter than honey”, (Qingyan, 2021) the alliance with the US during the Musharraf era, and the contemporary situation in Pakistan where Pakistan’s political instability is inclining Pakistan with other states to maintain internal and external stability (Lalwani, 2023). All in all, the constitution of Pakistan played a significant role in ensuring a democratic setup and inclusive representation in Pakistan, however, this journey was not without impediments in terms of military interference, disharmony between provinces, and political instability.

### **Pakistan’s political structure and its effectiveness in promotion of democracy and inclusive representation**

The mechanism for Pakistan’s political structure is outlined by the 1973 Constitution, which came into effect after a lengthy procedure and extensive discussions among political parties. Pakistan’s political structure is based on a parliamentary system, which is a strong foundation for Pakistan’s political framework. It incorporates the separation of powers between three distinct levels of governance, which is significant for ensuring the effectiveness and functioning of a governing system. Despite various amendments, Pakistan’s political structure has been criticized on diverse occasions due to federal intervention in provincial matters. Another concern is the skyrocketed dominance of the elite class over state affairs which often subjugates the power of small parties. The ruling of the elite class in Pakistan’s political history was often surrounded by corruption, a lack of discipline among political parties, a concentration of power and resources, and less transparency. However, it revitalizes the significance of balancing the interests of provincial and federal governments. Another factor that influences the effectiveness of political structure is the disunity between the opposition and elected governments. During an interview “Mr. Devasher” elaborated that the ongoing division and fine line between the opposition government and the current government has bubbled up internal impediments for Pakistan. To overcome these impediments, a consensus must be reached between these parties. The variation in this context is the national action plan adopted subsequently after the incident of the “Peshawar school attack” in 2014. It is an admirable illustration of an initiative that played an influential role in cherishing integration and coalition between diverse parties (Zahoor, 2023). The effectiveness of Pakistan’s current political structure requires unity between diverse political parties to fortify the essence of democracy and inclusive representation.

#### **2.1. Separation of powers and Judicial activism**

Pakistan’s political structure follows the principle of separation of powers that disentangles the prospect of power handling to any single entity, but it has faced intense criticism. For instance, the judiciary is explicitly designed to execute the law and to embrace the upholding of fundamental rights for citizens in Pakistan. Since Pakistan’s independence, the judicial system has been plagued by historical judicial activism or inexplicit interference of the judiciary in political affairs. Historically, Judicial activism has been an inclusive aspect of the Pakistani judiciary, leading to fruitful reforms but at the expense of intensive interference in political affairs. In this context, back in 1999, General Pervaiz Musharraf ousted Nawaz Sharif’s government from power which indicates judiciary interference in the state’s political affairs. The Supreme Court deemed the coup as a violation of Pakistan’s constitution and ousted the Pervaiz Musharraf from power, as a military dictator. Moreover, the

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“Lawyers Movement of 2007” is a crucial illustration of Judicial activism in this regard that played a significant role in the restoration of Iftikhar Muhammad Chaudhary as a Chief Justice of Pakistan. In 2005, Pervaiz Musharraf removed him from his position, but the lawyer’s movement took a leading role in his reinstatement and demanded judicial independence. As a result, the judiciary depicted its independent role by reinstating Iftikhar Muhammad Chaudhary (Jatoi et al., 2022). Moreover, the 18<sup>th</sup> Amendment played a crucial role in preserving the separation of power between the executive, judicial, and legislative branches. Despite this amendment, Judicial activism persisted in the political setup. Judicial activism was quite clear during the Supreme Court’s ruling to disqualify Nawaz Sharif from holding power and sentence him to 10 years in prison (Bazmi, 2022). Besides this, the Supreme Court of Pakistan investigated the disappearances of journalists and political activists in 2023. Additionally, there was controversy when the court declared Imran Khan’s imprisonment illegal, which some argued was an interference with the separation of powers between the judiciary and the executive branch. This raised concerns about the functioning of the judiciary in other branches (Davies, 2023).

However, the judiciary played a crucial role in establishing democratic governance in Pakistan by holding those in power accountable and promoting justice in Pakistan. Despite this, it has been under the segment of intensive criticism for its decision-making independence, potential subversion of democratic structures, and disrupting balance in the political setup.

### **2.2. Federalism and Provisional Autonomy**

Unresolved federalism issues or provincial autonomy concerns have been a cornerstone in creating governance challenges in Pakistan’s constitutional framework since the formative years of Pakistan. After independence, Pakistan embarked on a journey to opt for the highly centralized federal system with a strong central government, providing less provincial autonomy to provinces. However, debates regarding provincial autonomy escalated with time due to the diverse communities residing in Pakistan and their different religious beliefs. It was primarily raised in East Bangladesh because they observed a clear disregard for provincial autonomy owing to the deprivation of their legislative rights and felt marginalized in 1950. This scenario escalated criticism about the true essence of democracy and federalism in Pakistan. The adoption of unicameral legislation in 1956 and 1962 favored the undue federal government’s authority in provincial affairs and ultimately sparked an outcry for limited provincial autonomy. In response to this, East Pakistan was segregated from Pakistan which ramped up the necessity of incorporating provincial autonomy as the basic principle in Pakistan’s constitution. Ultimately, this scenario shaped Pakistan’s futuristic governmental structure. Immediately, the 1973 constitution incorporated major reforms to redesign the major contours of provincial autonomy and opted for federalism as a basic principle of Pakistan’s constitution. As a result, these reforms granted the provinces authoritative, legislative, and executive power with substantial autonomy in decision-making and more control over state affairs. Pakistan experienced a shift from a highly centralized federalism system to a system emphasizing provincial autonomy. However, the fundamental principle has been amended several times in Pakistan’s constitution to provide undue rights to the federal government over

provincial affairs. Despite fruitful reforms, there were still various ethnic and religious disparities and intensive criticism of federalism in Pakistan, which elevated the necessity for further amendments. As a result, the 18<sup>th</sup> amendment was adopted in reaction to these criticisms that aimed to elevate provincial autonomy and allocation of resources in Pakistan, with Balochistan receiving the highest number of shares as a destitute province of Pakistan (Munawar & Mushtaq, 2022).

Despite this, the political representation of Gilgit Baltistan has been a controversial issue. The Constitution of Pakistan created room for executive rule in various regions of Pakistan, including Gilgit-Baltistan, despite administrative reforms. However, this political representation of Gilgit-Baltistan has remained unchanged, despite attempts to change the political representation of Gilgit-Baltistan through constitutional amendments in 2009 and several administrative reforms. Currently, the region is served under a GB rule, which was adopted in 2018. The GB rule serves the demands of the Gilgit Baltistan region, replacing the previous amendment for political empowerment. It also grants the prime minister authority over the region and offers a semi-provisional status for Gilgit Baltistan. In 2020, the Pakistani government revealed plans to serve Gilgit Baltistan as a segregated province with a “provisional provincial status,” although this proposal is still under debate. Granting a provisional status to the Gilgit Baltistan region is an arduous process that involves political and geopolitical considerations that cannot be neglected. If Gilgit-Baltistan will be granted provincial status, it may lead to increased demands from Southern Punjab for autonomous provincial status (Alam et al., 2023).

### **Pakistan’s Constitutional Framework for the Protection of Minority Rights**

The constitutional framework of Pakistan has significantly contributed to assisting minorities with basic rights according to Islam. It includes the political participation of minorities through an initiative of reserving a quota in Provincial and Parliament Assemblies and certain provisions that guarantee protection of the rights of minorities including religious freedom (Basri, 2016). However, Minorities’ efforts made Pakistan’s development possible during independence. The significant vote cast by the Christian minority to merge Pakistan and Punjab acted as a game changer and paved the way for Lahore to be Pakistan’s city (Wilson, 2022). Despite this, minorities often encounter discrimination against their rights in Pakistan.

Pakistan’s constitutional framework remained aligned with its commitment to ensuring the protection of minorities despite this, they are subject to discrimination against their rights in Pakistan (Aslam et al., 2022). It raised an eyebrow on the country’s long-term commitment to democracy and the rule of law. In Pakistan, Political offices often fail to accurately represent minority communities, resulting in marginalization of religious minorities such as Sikhs, Christians, and Hindus. This neglect is particularly evident in societal, institutional, and identity crises (Ali, 2022). Another major concern is the country’s blasphemy law as it restricts freedom of speech and further excludes minorities from inclusive representation. Rather than ensuring their rights, this law exaggerated victimization against religious minority groups (Jaffrelot, 2020). In 2023, the discrimination against minorities in Pakistan escalated, particularly after the Jaranwala incident in the Faisalabad district, where allegations of Blasphemy led to violent protests. However, the Pakistani government took the initiative and arrested those responsible for violence and appointed “10 Joint Investigation Teams” to scrutinize the issue (Gabol, 2023). Moreover, other

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religious minorities, have also faced discrimination and social ostracization based on their beliefs. This has caught the attention of the international community and human rights organizations, who are concerned about the discrimination against minorities in Pakistan (I. Ali, 2023).

Across the board, minorities in Pakistan often face discrimination against their rights which blurs the initiatives taken by the constitution of Pakistan to ensure the protection of minority rights in Pakistan. All in all, the ongoing Human rights abuses, ethnic and religious discrimination, and restriction on freedom of speech and expression have raised concerns regarding the effectiveness of the democratic political structure in Pakistan. Marginalization, Blasphemy laws, limited political platforms, and discrimination against minorities have raised the importance of ensuring a safe futuristic environment for concerned minorities in Pakistan. There is a dire need to establish a mechanism where all segments of society, including minorities, can participate in the political process based on fair elections. Resolving the root causes of discrimination against minorities and highlighting the awareness regarding inclusive representation of minorities is crucial to promoting democracy in the constitution of Pakistan.

### **Assessing the Role of the 1973 Constitution in fortifying the essence of Democracy and Inclusive representation in Pakistan**

Pakistan's Constitution has played a constructive role in improving the efficiency of Pakistan's Political institutions, promoting democracy and inclusive representation through various amendments. However, various factors have contributed to the ineffectiveness of the current political structure, including weak institutions, Judicial activism, corruption, lack of transparency and minority rights, provincial issues, and division between the opposition and the current government. The substantial concern is the centralization of power as it limits the representation of diverse voices and makes the chances of a stable government fragile. It is one of those elements that entirely constrict the representation and contribution of diverse voices and fragile the chances of a stable government. Military intervention in political affairs and corruption have undermined the efficacy of fortifying the essence of democracy in Pakistan and resulted in political instability. The Constitution of 1973 adopted certain provisions to ensure minorities' rights and provincial autonomy. Yet these are not sufficient, and provinces demanded further autonomous status. However, the future holds more daunting tasks and requires effective reforms to overcome these unprecedented challenges.

### **Envisioning a new agenda to fortify the Essence of Democracy and inclusive Representation in Pakistan's Constitution for the next 50 years**

Various alternative schemes can be employed towards this futuristic agenda, but each scheme has advantages and disadvantages.

#### **4.1. Deliberative and Participatory Democracy:**

Assisting citizens with more inclusive opportunities to participate in decision-making could boost inclusive representation in the political process. This can be achieved through online platforms and citizen juries. The major drawback of this scheme is that the participation of distinct individuals is difficult, and the process can be time-consuming.

#### **4.2. Federalism**

Provincial autonomy is another way to enhance the inclusive representation of Pakistan's political structure. An amendment by the Parliament is required to clarify the responsibilities of the provincial government. The allocation of more resources to the provincial government could enhance the efficiency in implementing reforms. However, provincial autonomy could exaggerate geopolitical impediments to Pakistan.

#### **4.3. Proportional Representation**

It can diversify the legislative branch and ensure the inclusive representation of minorities and small parties in a political system because elected parties will hold seats according to the acquired proportionate votes. However, this system could lead to instability because framing a one-party majority is a daunting task in this system.

#### **4.4. Presidential System**

A presidential system could lead to an effective political system with a stable government, separation of powers, and an effective executive branch. The President will not be hooked on the legislative branch in this system. However, the presidential system could exaggerate the chances of authoritative rule.

#### **4.5. Semi-Presidential system:**

This system could incorporate the features of the Parliamentary and Presidential systems that could sustain separation of power, accommodate inclusive representation of minorities and other segments, and retain stability in the governance system. However, it can be costly and ineffectual for a state confronting political instability, requiring two separate elections to appoint a President and Prime Minister.

#### **4.6 Civic engagement in the Political process:**

Pakistan's Constitution must be strengthened through increased public engagement in the democratic structure. The futuristic era is the era of digital advancements; political institutions should display their day-to-day functions on social media. This will help ensure the accountability of political leaders and make political affairs more accessible to the youth through the advancement of social media platforms.

The suitable scheme considering the unique circumstances of Pakistan is the semi-presidential system where both the President and Prime Minister can play constructive roles in fortifying the essence of democracy and inclusive representation of diverse voices. A proportional system is effective because it incorporates an inclusive representation of small parties. Each scheme has its drawbacks that cannot be neglected but it is significant to note that military intervention and Judicial activism have intensified political instability in Pakistan, therefore, futuristic reforms must be taken by considering a system that will not sprout any chances of authoritarian rule and must ensure unity in the political setup of Pakistan. Moreover, the effective use of technology can boost civic engagement and make political institutions more transparent. Therefore, there is a dire need for the effective implementation of a new agenda for the next 50 years in the constitution of Pakistan to strengthen the role of the constitution in fortifying the essence of democracy and inclusive representation.



### **Conclusion**

Since independence, the development of a democratic structure in Pakistan remained an elusive dream due to a lack of capable leadership. With the passage of time, factors such as federalism, dynastic politics, Judicial activism, lack of rule of law, poor governance, weak institutions, disunity between political leaders, economic backwardness, military greed for power, subjugation of minority rights, provincial autonomy and lack of national integration have created barriers in the progress of democracy. However, despite being at the heart of Pakistan's constitution, the implementation of democratic rule has faced intensive criticism due to various factors and the continuous evolution of modern events. To fortify democracy's essence in Pakistan's constitutional framework, constructive implementation of democratic reforms is a prerequisite. However, constructive implementation and fruitful reforms can be ensured through continuous efforts by all institutions, unity between the opposition and elected government, innovative electoral reforms, dismantling authoritative rule, ensuring minority rights, provincial autonomy, effective constitutional amendments, and technological advancements in political affairs. Pakistan can create an equitable society for its citizens by fortifying amendments and reforming new provisions in the Constitution of Pakistan.

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